

#9 3-27-02



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:)
David A. Monroe) Group Art Unit: 2615
Serial No. 09/143,232) Examiner: Po Lin Chieu
MULTIFUNCTION REMOTE CONTROL)
SYSTEM FOR AUDIO AND VIDEO)
RECORDING CAPTURE, TRANSMISSION)
AND PLAYBACK OF FULL MOTION)
AND STILL IMAGES)

**RESPONSE TO OFFICE ACTION
MAILED DECEMBER 21, 2001**

RECEIVED
MAR 27 2002
Technology Center 2600

Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action Mailed on December 21, 2001.

The Examiner has cited the Nitardy U.S. Patent No. 5,396,651 in addition to earlier cited references. Nitardy discloses an airphone. As with the other references cited by the Examiner, there is not anything in the art that would suggest the Nitardy could be combined with Kozuki to achieve Applicant's invention.

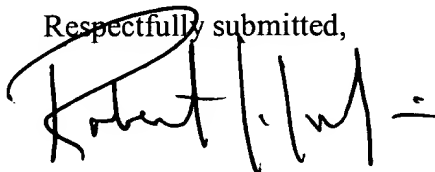
The Examiner has repeated his rejections in the earlier Office Action, rejecting Clams 1-3, 5 and 6, as well as revised claim 11 under Kozuki, rejecting claim under Kozuki in view of Cooper; and rejecting claims 8 and 9 under Kozuki in view of Fujita; and claim 10 under Kozuki in view of Freeman. He has also added additional rejections based on these combinations. The Examiner has not addressed any of the arguments made by Applicant, other than to state that "it would have been obvious to a person of ordinary skill in the art at the time of the invention to" use the cited references in combination with Kozuki to achieve a desired result. There has not been any showing of any art, in the patent arts or elsewhere, to establish that such combinations are suggested, no alone obvious. The Examiner is not permitted to rely solely on hindsight to

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establish obviousness. Without some suggestion of such a combination it cannot be stated that it is obvious. In the present instance, there is not even a mere hint or suggestion that the invention as claimed by applicant in the now pending claims would be obvious.

Therefore, applicant repeats his arguments of the previous response filed on September 27, 2001 regarding all of the claims currently pending in the application. The application is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,



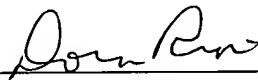
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CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR §1.10

I hereby certify that this correspondence and its attachments are being deposited with the United States Postal Service as Express Mail, Express Mail Label No. EL 901962132 US in an envelope on the date indicated, addressed to the Commissioner for Patents and Trademarks, Washington, D.C. 20231-0001

By:  Date: 3-21-02
Dora Rios



711 Louisiana Street, Suite 2900
Houston, Texas 77002-2781
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March 21, 2002

Via Express Mail No. EL 901962132US

Honorable Commissioner for Patents
Washington D.C. 20231

Re: U.S. Patent Application: Multifunction Remote Control System for Audio
and Video Recording Capture, Transmission and Playback of Full Motion
and Still Images
Serial No. 09/143,232
Our Ref: 069834.000022

Dear Sir:

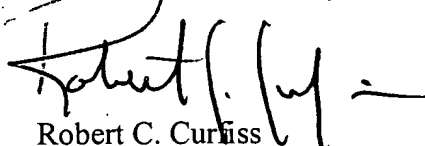
Enclosed for filing are the following documents:

1. Response to Office Action Mailed December 21, 2001;
2. Transmittal letter in duplicate; and
3. Postcard.

The Commissioner is authorized to charge any filing fees to Deposit Account No. 50-0259 of Bracewell & Patterson, L.L.P.

Very truly yours,

Bracewell & Patterson, L.L.P.



Robert C. Curless

RCC/dr
Enclosures

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